

**U.S. ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE
OPPORTUNITY FOR PUBLIC COMMENT ON
PENALTY COMPLAINT
AND NOTICE OF OPPORTUNITY FOR HEARING
AGAINST
NATURAL SODA, INC.
FOR FAILURE TO COMPLY WITH
UNDERGROUND INJECTION CONTROL REGULATIONS**

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to solicit written comments on a Penalty Complaint and Notice of Opportunity for Hearing (complaint) [Docket No. SDWA-08-2008-0095] that Region 8 of the United States Environmental Protection Agency (EPA) proposes to issue against Natural Soda, Inc. whose office is located at 3200 County Road 31, Rifle, Colorado 81650. The complaint alleges violations of the Underground Injection Control (UIC) regulations and proposes remedies and monetary penalties for the alleged violations. The complaint is issued under the UIC provisions of the Safe Drinking Water Act (SDWA) and the Act's implementing regulations. These regulations govern the injection of fluids that may endanger an underground source of drinking water (USDW).

EPA desires to receive written comments from any interested party having knowledge of the alleged violations or who can provide any information useful to ensure that the proposed remedies and penalties are appropriate. EPA will review any comments received on the complaint, and will thereafter determine whether to modify or withdraw the complaint or whether to modify the proposed penalty.

BACKGROUND

Part C of the SDWA requires the EPA to regulate underground injection of fluid through wells to assure that underground sources of drinking water (USDW) are not endangered. Section 1421 of the SDWA requires EPA to administer UIC programs in States that do not have approved State UIC programs. Regulation of the UIC Class III Program has not been delegated to the State of Colorado; therefore, EPA administers the program in accordance with title 40 of the Code of Federal Regulations (40 C.F.R.), Parts 124, 144, 146, 147, and 148.

The two Class III injection wells which are the subject of this complaint, are operated by Natural Soda, Inc., and are located in the Natural Soda Lease within the Piceance Creek Field area of Rio Blanco County, in Section 26 of Township 1 South, Range 98 West. A Class III injection well, pursuant to 40 C.F.R. §§ 144.6 and 146.5, is a well that injects fluids for the extraction of minerals. The wells subject to this complaint are solution mining wells, injecting into the Boies Bed (also known as the L-5A zone) for the purpose of mining nahcolite.

The complaint alleges that Natural Soda, Inc. is in violation of UIC regulations and is subject to appropriate penalties for failing to demonstrate mechanical integrity to EPA. The complaint proposes that EPA assess an administrative civil penalty in the amount thirty-seven thousand, nine hundred seventeen dollars (\$37,917.00).

PUBLIC COMMENTS

Written comments on the complaint are encouraged and will be accepted at the address listed below for a period of thirty (30) days after the publication of this notice. Written comments submitted by the public as well as information submitted by Natural Soda, Inc. will be available for public review as part of the administrative record, subject to the provisions of law restricting the disclosure of confidential information. Natural Soda, Inc. may request a hearing. Any person submitting written comments will be notified of and has a right to participate in such a hearing. The complaint and the administrative record are available for review between 9:00 a.m. and 4:00 p.m. at the address listed below. It is recommended that those wishing to view the administrative record call Marc Weiner, Enforcement Attorney, Legal Enforcement Program, EPA Region 8, at (303) 312-6913 before visiting the EPA Region 8 offices.

Please submit written comments to:

Tina Artemis (8RC)
Regional Hearing Clerk
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129.

A copy of the complaint will also be available for public review at the Rifle Branch Library according to the following schedule: Monday 10 a.m. to 6 p.m., Tuesday 10 a.m. to 8 p.m., Wednesday 10 a.m. to 6 p.m., Thursday 10 a.m. to 8 p.m., Friday 10 a.m. to 5 p.m., Saturday 10 a.m. to 5 p.m., and Sunday 1 p.m. to 5 p.m. The Rifle Branch Library is located at 107 East 2nd Street, Rifle, Colorado 81650. You may wish to contact Zee Russell prior to visiting. She can be reached at (970) 625-3471. Shortly after EPA sends its complaint to Natural Soda, Inc., the complaint can also be viewed on the following EPA webpage:
<http://www.epa.gov/region8/compliance/rhc.html>.

Any person interested in receiving their own copy of this or any future public notice of a UIC administrative action can call Nathan Wiser in the UIC program, EPA Region 8, at (303) 312-6211.

THE DECISION

EPA will review and consider all public comments received on the complaint and will thereafter determine whether to modify or withdraw the complaint or whether to modify the

proposed penalty. If the complaint is revised, copies shall be provided to all parties and to all members of the public who have commented.

Mark A.R. Chalfant, Director
Technical Enforcement Program
Office of Enforcement, Compliance, and
Environmental Justice
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129